



HUGH JAMES



# Brief guide to paying for care

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**Choosing your care home is an important decision and deciding how to fund that placement can be daunting. This brief guide is designed to assist you in highlighting the main steps that you will need to take when finding a care home.**

## **Step 1 Consider what funding options are available to you**

There are currently three main ways in which a long term care placement can be funded. These are as follows:

- ◆ NHS Continuing Healthcare where an individual has a physical or mental health need
- ◆ from an individual's income and savings
- ◆ Local Authority funding.

### **What is NHS Continuing Healthcare?**

If your primary need for going into a care home is your health then your funding should be the responsibility of the NHS. This is called NHS Continuing Healthcare and is often described as 'fully funded care' as the individual does not have to make any contribution towards their long term care fees.

### **How do I find out if I am eligible for NHS funding?**

The first thing you should do is to ask your local Health Board to undertake a multi-disciplinary team assessment. Everyone is entitled to have this type of assessment and it is important to go through this process as it highlights your level of needs to ensure that you are placed in the correct care home.

An assessment should be undertaken in the following circumstances:

- ◆ when planning for a discharge from hospital
- ◆ when you are assessed for a care home or before transfer between care homes
- ◆ during or following a major health episode for an individual living in the community or a care home which involved referral to NHS services or a significant change in health needs
- ◆ when the Local Authority is making a decision about funding care (known as the social services placement panel)
- ◆ at the time of funded nursing care assessment
- ◆ at the request of you, your family/carer, an advocate or their professional/clinical advisor.

### **What if the local Health Board says that I am not eligible?**

If the assessment team does not think that you qualify for NHS Continuing Healthcare but you think that this decision is wrong then you can challenge this decision by lodging an appeal with your local Health Board.

It can be complicated to challenge these decisions and you may wish to seek advice from an independent advocate or a legal professional with expertise in this area.

## **What if I am not awarded fully funded care?**

You may still be entitled to a contribution towards your care if you go into a home providing nursing care. The contribution is currently set at £120.56 per week and is reviewed annually.

NHS funded nursing care is paid directly to the nursing home for care provided by a registered nurse employed by the home. When you have been fully considered for NHS Continuing Healthcare and it is the multi-disciplinary team's decision that you are not eligible, you should be informed if you are eligible for the contribution.

In these circumstances, even though the local Health Board may contribute to the cost of your care, the rest of your care costs will not be the NHS' responsibility. Instead, your care needs then become the responsibility of the Local Authority.

## **Will I need to pay for my own care?**

The Local Authority is entitled to take your finances into account. The Local Authority will consider both the capital you hold and the income you receive. The rules that the Local Authority follow are different depending on whether you are in England or Wales.

In Wales, if you have assets in excess of £22,000 then you will be expected to meet the full cost of your care. If your assets are valued at less than £22,000 then your income will still be used to fund your care but the Local Authority will be responsible for meeting the rest of the fees (subject to a possible contribution by way of top up fees as discussed below).

In England, if you have assets in excess of £23,250 then you will be expected to meet the full cost of your care. If your assets are valued at less than £23,250 then your income will again be used to fund your care. However, whilst your assets are valued at below £23,250 but above £14,250 the Local Authority will also assume an additional income contribution of £1 for each £250 held between £14,250 and £23,250. The remaining fees will then be met by the Local Authority (subject to a possible contribution by way of top up fees as discussed below).

In both England and Wales the Local Authority is not able to use all of your income to fund your care as they must leave you with an allowance. This allowance is set by the government and is currently £22.50 per week in Wales (£22.30 per week in England). It is possible for the Local Authority to consider granting you a higher allowance but there has to be a good reason for them to consider this (i.e. if you have a dependent child or an unmarried partner continuing to live at home).

## **What finances are taken into account?**

The Local Authority will carry out a financial assessment and when completing this assessment they should only take your personal finances into consideration and not that of your spouse or a family member.

If you hold assets jointly with other family members then the Local Authority will take your share of that jointly held asset into consideration. If you hold that asset jointly with just one other person then the Local Authority will consider that you hold a one-half share of that asset unless there is evidence to the contrary. If you hold that asset with two other individuals then they will assume that you are entitled to a one-third share of that asset unless there is evidence to the contrary.

The Local Authority will need to know about all of your capital assets and also details of any income you receive. The assessment will be dependent on your own personal circumstances and it may be the case that some of your assets will not be included. The main factors that may result in your assets being excluded or their value reduced in the financial assessment are as follows:

- ◆ if your partner, a family relative over 60 or a dependant under the age of 16 still lives in your home, the value of the home should not be taken into account whilst they continue to live there
- ◆ your property should not be taken into consideration for the first 12 weeks of your stay
- ◆ if any of your assets are held in a family trust then depending on the terms of the trust these should not be included in the financial assessment
- ◆ the value of any investments linked to life assurance should not be included in the financial assessment
- ◆ the value of your property may be reduced if it is jointly owned with a member of your family
- ◆ if your spouse or civil partner is still living at home then 50% of your occupational pension should be disregarded.

Also, as part of the financial assessment process the Local Authority may consider the manner in which your assets have dropped below the required amount, primarily, to see if you have unnecessarily given away any assets. The cost of your care can be high and it is essential that your financial assessment is carried out correctly. If you believe that the Local Authority has incorrectly assessed your assets or they are questioning the manner in which your assets have been spent, you may wish to seek advice from your independent advocate or a legal representative who specialises in this area.

## **What options are available to me if I do not want to sell my home?**

It is possible to enter into a deferred payment agreement with the Local Authority whereby the Local Authority agrees to meet the cost of your care and then recovers the monies owed to them when your property is sold. Interest will not be charged upon the monies owed during your lifetime. The Local Authority will place a charge against your property to ensure that they can recover the fees. You should take legal advice before entering into such an agreement.

## **Step 2 Choosing the right care home**

You will need to find out about the care homes in your area. There are different people who can help with this and you should talk to the following people as a starting point:

- ◆ your friends and family as they may be able to make a personal recommendation
- ◆ your Social Worker
- ◆ Age Cymru
- ◆ the national body that regulates care homes:
  - Care and Social Services Inspectorate Wales
  - Care Quality Commission (England)
- ◆ the Elderly Accommodation Counsel.

Once you have a list of care homes that you would like to visit you will need to prepare a list of questions to help you to highlight a home that is able to meet your needs. Help with this list is available from Age Cymru, the Age Cymru website [www.agecymru.org.uk](http://www.agecymru.org.uk) or a local Age Concern.

Once you have chosen a home you will need to have a look at the contract for care and check the cost of the placement to make sure that you are happy with the terms offered. If the Local Authority is helping you to meet the cost of your care then you will need to talk to them about the contract and the fees offered.

### **If the Local Authority is contributing to my care costs am I able to go into my preferred care home?**

The Local Authority should arrange a placement in your preferred care home provided the following conditions are met:

- ◆ that the care home meets your needs
- ◆ it does not cost more than the Council would usually expect to pay
- ◆ there is a placement for you
- ◆ the care home is willing to enter into a contract with the Local Authority.

### **What if the care home fees are more than the Local Authority is willing to pay?**

If there is another care home available that meets your needs and costs less then the Local Authority will agree to the care home of your choice but only if a family member is able to top up the difference in the fees. This is known as top up fees. It should be noted there are no safeguards against rapid increases in these fees.

If your preferred care home is the only home available that meets your needs then the Local Authority should agree to fund the entire cost of the placement unless an alternative can be found.

## **Step 3 Make sure that your family and friends are able to help you in the future**

You are likely to be entering care as a result of needing a higher level of care and support. If you want someone that you trust to be able to help you to make decisions about your finances and your health and welfare then you should think about who you would want that person to be.

Once you have decided on a person that you trust then it is important to consider granting that person formal authority to deal with things for you. This can be done by signing a Lasting Power of Attorney (LPA). There are two different types of LPA:

- ◆ property and financial affairs – this allows you to authorise someone to access your bank accounts to pay for things that you need and to potentially manage all of your assets
- ◆ health and welfare - this allows you to authorise someone to make decisions on your behalf about your health and welfare when you are unable to make these decisions yourself.

If you do not sign a LPA whilst you have capacity then your loved ones will need to apply to the Court to ask for permission to deal with things on your behalf. This can be a long and frustrating process.

# Checklist

## Initial step

- 1 request a multi-disciplinary assessment from your local Health Board

## Continuing care granted

- 2 find out about the suitable care homes in your area
- 3 get a list of questions ready to ask the care home to make sure that the home will meet all of your needs

## Continuing care refused

- 4 if you do not agree with the multi-disciplinary team's decision, lodge an appeal at the local Health Board
- 5 consider contacting an independent advocate or a legal professional with expertise in this area to help you with the appeal
- 6 familiarise yourself with your assets
- 7 if your assets fall below £22,000 now or are likely to do so contact your Local Authority to arrange a financial assessment
- 8 obtain a list of care homes in your area
- 9 arrange to view the homes to best meet your needs and get a list of questions ready for your visit
- 10 once you have chosen a home get a copy of the relevant contract and details of the fees
- 11 if the Local Authority is helping you with funding then contact them to ensure that they are happy with the care home chosen
- 12 if you choose a more expensive care home then carefully consider any top up fee arrangement the Local Authority offers
- 13 look into signing a Lasting Power of Attorney.

## Useful contacts

### Age Cymru

Tŷ John Pathy  
13/14 Neptune Court  
Vanguard Way  
Cardiff CF24 5PJ

Helpline: 0800 169 65 65  
Website: [www.agecymru.org.uk](http://www.agecymru.org.uk)  
Email: [enquiries@agecymru.org.uk](mailto:enquiries@agecymru.org.uk)

### Care and Social Services Inspectorate Wales

4-5 Charnwood Court  
Heol Billingsley  
Parc Nantgarw  
Nantgarw CF15 7QZ

Tel: 01443 848 450  
Website: [www.cssiw.org.uk](http://www.cssiw.org.uk)  
Email: [cssiw@wales.gsi.gov.uk](mailto:cssiw@wales.gsi.gov.uk)

### Care Quality Commission

Citygate  
Gallowgate  
Newcastle Upon Tyne NE1 4PA

Tel: 03000 61 61 61  
Website: [www.cqc.org.uk](http://www.cqc.org.uk)  
Email: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)

### Elderly Accommodation Counsel

3<sup>rd</sup> Floor  
89 Albert Embankment  
London SE1 7TP

Tel: 020 7820 1343  
Website: [www.housingcare.org](http://www.housingcare.org)  
Email: [enquiries@eac.org.uk](mailto:enquiries@eac.org.uk)

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